

CLERK'S OFFICE U.S. DIST. COURT
AT ROANOKE, VA
FILED

March 08, 2024

LAURA A. AUSTIN, CLERK

BY: s/A. Beeson
DEPUTY CLERKIN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION

THOMAS DANIEL HOFF,

Plaintiff,

v.

STEPHEN CLEAR, *et al.*,

Defendants.

Civil Action No. 7:22cv00347

MEMORANDUM OPINIONBy: Hon. Thomas T. Cullen
United States District Judge

Plaintiff Thomas Daniel Hoff, proceeding *pro se*, filed this civil action under 42 U.S.C. § 1983. By conditional filing orders entered June 28 and July 11, 2022, the court advised Hoff that he must notify the court in writing immediately upon his transfer or release and must provide the court with his new address. (*See* ECF Nos. 3 & 5.) The court further advised Hoff that failure to provide an updated address would result in dismissal of this action. (*Id.*)

On March 6, 2024, an order sent to Hoff was returned to the court as undeliverable. (*See* ECF No. 41.) The envelope of the returned mail indicated that Hoff is no longer incarcerated in the Virginia Department of Corrections and did not contain a forwarding address. (*Id.*) To date, Hoff has not provided the court with an updated address as required by the court's conditional filing orders. Accordingly, the court will dismiss this action without prejudice for failure to comply with the court's orders. The court notes that this dismissal is without prejudice to Hoff's opportunity to refile his claims in a separate civil action, subject to the applicable statute of limitations.

The Clerk shall send a copy of this Memorandum Opinion and the accompanying Order to Hoff at his last known address and to counsel of record for the defendants.

ENTERED this 8th day of March, 2024.

/s/ Thomas T. Cullen
HON. THOMAS T. CULLEN
UNITED STATES DISTRICT JUDGE